

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	15 Misc. 241 (Part I)
IN RE APPLICATION OF	:	Case No. 15-mc-00241-P1
INTERNATIONAL MINERAL RESOURCES	:	
B.V.	:	DECLARATION OF MARY BETH
	:	MALONEY IN SUPPORT OF
For an Order Pursuant to 28 U.S.C. § 1782 to	:	RESPONDENT'S MOTION TO QUASH
Conduct Discovery For Use In Foreign	:	AND FOR PRE-HEARING
Proceedings	:	DISCOVERY
-----X	:	

I, Mary Beth Maloney, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an attorney licensed to practice law in the State of New York and the State of California and admitted to practice before this Court. I am an attorney at the law firm of Gibson, Dunn & Crutcher LLP and counsel of record to Patrick Salisbury. I am personally familiar with the facts set forth herein.

2. Attached as **Exhibit 26** is a true and correct copy of the excerpts of the November 9, 2015 transcript of the hearing on ECVK's application for costs incurred in connection with IMR's application for pre-action discovery before Justice Burton of the U.K. High Court.

3. Attached as **Exhibit 27** is a true and correct copy of the October 5, 2015 Witness Statement of Tadeusz Jarmolkiewicz, IMR's general counsel, given in opposition to ECVK's application for pre-action discovery before the U.K. High Court.

4. Attached as **Exhibit 28** is a true and correct copy of the October 5, 2015 Witness Statement of Amre Abdelhamid Youness, submitted in opposition to ECVK's application for pre-action discovery before the U.K. High Court.

5. Attached as **Exhibit 29** is a true and correct copy of the August 21, 2015 Final Award in the Swiss Rules Arbitration between EuroChem, Shaft Sinkers, and Rossal 126.

6. Attached as **Exhibit 30** is a true and correct copy of the Swiss Arbitration Tribunal's July 31, 2015 Order.

7. Attached as **Exhibit 31** is a true and correct copy of the Statement of Peet Nel, former Chief Executive Officer and member of the Board of Directors of Shaft Sinkers, dated October 24, 2014 and submitted to the Dutch District Court.

8. Attached as **Exhibit 32** is a true and correct copy of the Statement of Talita Douglas, Alon Davidov's Executive Assistant, dated August 30, 2014 and submitted to the Dutch District Court.

9. Attached as **Exhibit 33** is a true and correct copy of the Statement of Tok Bester, former General Operations Manager of Shaft Sinkers, dated October 22, 2014 and submitted to the Dutch District Court.

10. Attached as **Exhibit 34** are a true and correct copies of letters from Gary Pritchard to Tok Bester, Talita Douglas, Christopher Hall, Heather Holford, and Heinrich Jantzen, former Shaft Sinkers employees, dated August 4, 2014.

11. Attached as **Exhibit 35** is a true and correct copy of the email sent on August 11, 2014 by Peet Nel in response to the August 4, 2014 letter Mr. Nel received from Gary Pritchard.

12. Attached as **Exhibit 36** is a true and correct copy of the complaint filed by IMR on November 12, 2015, in the Supreme Court for the State of New York, New York County, asserting claims for trespass to chattels and conspiracy against Mr. Akhmetshin, Mr. Salisbury, Salisbury & Ryan LLP, and ECVK.

13. Attached as **Exhibit 37** is a true and correct copy of excerpts, including excerpts subject to a confidentiality agreement, from Rinat Akhmetshin's April 7, 2015 deposition transcript taken in the connection with IMR's Section 1782 action against Mr. Akhmetshin (the "D.C. Action").

14. Attached as **Exhibit 38** is a true and correct copy of excerpts, including excerpts subject to a confidentiality agreement, from Rinat Akhmetshin's September 21, 2015 deposition transcript taken in the D.C. Action.

15. Attached as **Exhibit 39** is a true and correct copy of the Second Declaration of Rinat Akhmetshin, dated June 14, 2015 and filed June 18, 2015 in the D.C. Action.

16. Attached as **Exhibit 40** is an excerpt, subject to a confidentiality agreement between Scott Horton and IMR, of Mr. Horton's October 19, 2015 deposition transcript taken in connection with IMR's Section 1782 action against Mr. Horton.

17. Attached as **Exhibit 41** is a true and correct copy of the District of the District of Columbia Court's August 19, 2015 Memorandum Opinion (the "August 19 Order").

18. Attached as **Exhibit 42** is a true and correct copy of seven email chains disclosed *in camera* to the D.C. District Court between Mr. Akhmetshin and Mr. Salisbury bearing Bates PRIV NO. 54, 57, 66, 67, 70, and 118-24 and which were the subject of the August 19 Order.

19. Attached as **Exhibit 43** is a true and correct copy of excerpts from the trial transcript of day 5 of *Stein v. Chodiev & Ors.*, [2014] EWHC 1021 (Comm) (16 April 2014).

20. Attached as **Exhibit 44** is a true and correct copy of excerpts from the trial transcript of day 6 of *Stein v. Chodiev & Ors.*, [2014] EWHC 1021 (Comm) (16 April 2014).

21. Attached as **Exhibit 45** is a true and correct copy of the Declaration of Vladimir Krakhmalnyy, dated June 11, 2015 and filed on June 18, 2015 in the D.C. Action at Dkt. 39-2.

22. Attached as **Exhibit 46** is a true and correct copy of the Declaration of Valery Sidnev, General Counsel at EuroChem, dated June 17, 2015 and filed on June 18, 2015 in the D.C. Action at Dkt. 39-3.

23. Attached as **Exhibit 47** are true and correct copies of letters dated October 30, November 2, November 3, and November 5, 2015 between IMR's counsel Jonathan Cogan of Kobre & Kim LLP and Mr. Salisbury's counsel, Anne M. Champion of Gibson, Dunn & Crutcher LLP regarding access to the evidence underlying IMR's Section 1782 Application.

24. Attached as **Exhibit 48** are true and correct copies of letters dated November 4, November 5, and November 6, 2015 between IMR's counsel Jonathan Cogan of Kobre & Kim LLP and Mr. Salisbury's counsel, Anne M. Champion of Gibson, Dunn & Crutcher LLP regarding the scope of IMR's subpoena requests.

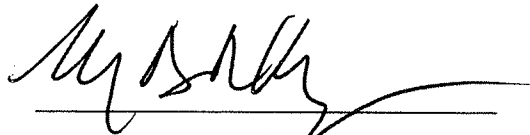
25. Attached as **Exhibit 49** is a true and correct copy of Mr. Salisbury's requests for reciprocal discovery from IMR.

26. Attached as **Exhibit 50** is a true and correct copy of Rinat Akhmetshin's Declaration dated September 1, 2015 and submitted under seal in the D.C. Action.

27. Attached as **Exhibit 51** is a true and correct copy of Patrick Salisbury's Declaration dated September 1, 2015 and submitted under seal in the D.C. Action.

No prior application for this relief has been requested. MB

I hereby declare, under penalty of perjury, that the foregoing is true and correct. Executed on November 16, 2015 at New York, New York.


Mary Beth Maloney